

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**JOSE GALAN,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,**

Commissioner of Social Security,

**Defendant.**

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**CIVIL NO. 05-CV-5970**

**ORDER**

**AND NOW**, this 1<sup>st</sup> day of May 2007, upon consideration of Plaintiff's Motion for Summary Judgment [Doc. # 9], Defendant's Response thereto and Cross-Motion for Summary Judgment [Doc. # 10], Defendant's Supplemental Memorandum of Law [Doc. # 14], Plaintiff's Supplemental Memorandum of Law [Doc. # 15], United States Magistrate Judge Timothy R. Rice's Report & Recommendation [Doc. # 16], and the Record in the above-captioned matter, and in the absence of any objections to the Report & Recommendation, it is hereby **ORDERED** that:

- (1) The Report & Recommendation is **APPROVED** and **ADOPTED**;
- (2) Plaintiff's Motion for Summary Judgment is **GRANTED** inasmuch as it seeks remand for further proceedings, but **DENIED** in all other respects;
- (3) Defendant's Motion for Summary Judgment is **DENIED**;
- (4) The matter is **REMANDED** to the Commissioner to develop the record more fully, to evaluate all relevant medical evidence, and specifically to:
  - (a) reassess Plaintiff's credibility in accordance with the Report & Recommendation;
  - (b) attempt to translate Dr. Olivo's shorthand treatment notes; and

- (c) reevaluate Dr. Olivo's opinion based on a thorough examination of the underlying evidence of the entire record, including any newly acquired evidence collected on remand.

It is **FURTHER ORDERED** that the Clerk of Court shall **CLOSE** this case for statistical purposes.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe  
**CYNTHIA M. RUFE, J.**